

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

Quanjay Jaculb Jones,

Plaintiff,

v.

State of South Carolina; The County of
Richland; The Humane SPCA,

Defendants.

C/A No. 3:16-706-JFA-PJG

ORDER

Quanjay Jaculb Jones (“Jones”) filed this action pursuant to 42 U.S.C. §§ 1981, 1983, and 1985, as well as a state law claim for gross negligence against the named defendants. In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2), D.S.C., the case was referred to the Magistrate Judge. On March 3, 2016, Defendant Human Society for the Prevention of Cruelty to Animals (“SCPA”), filed a motion to dismiss for failure to state a claim. (ECF No. 8). After Jones amended the pleadings, SCPA renewed its motion to dismiss for failure to state a claim. (ECF No. 22). Consequently, Jones responded to SCPA’s motion by consenting to the dismissal of the federal law claims, without prejudice, and opposing the dismissal of the remaining state law claim. (ECF No. 33).

The Magistrate Judge assigned to this action¹ prepared a thorough Report and Recommendation (“Report”) and opines that both Jones’ federal and state law claims against

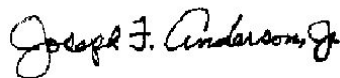
¹ The Magistrate Judge’s review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02(B)(2)(g) (D.S.C.). The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a de novo determination of those portions of the Report and Recommendation to which specific objection is made, and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b)(1).

SCPA should be dismissed with prejudice based on the expiration of the applicable limitations period. (ECF No. 45). The Report sets forth in detail the relevant facts and standards of law on this matter, and this court incorporates those facts and standards without a recitation. Jones was advised of his right to object to the Report, which was entered on the docket on August 29, 2016. The Magistrate Judge gave Jones until September 15, 2016, to file objections. However, Jones failed to file any objections to the Report. In the absence of specific objections to the Report of the Magistrate Judge, this Court is not required to give an explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983).

After carefully reviewing the applicable laws, the record in this case, as well as the Report, this court finds the Magistrate Judge's recommendation fairly and accurately summarizes the facts and applies the correct principles of law. Accordingly, the Court adopts the Report and Recommendation. (ECF No. 45). Jones' actions against SCPA in this case are dismissed with prejudice based upon the applicable statute of limitations. The remaining actions against the State of South Carolina and Richland County remain pending before the Magistrate Judge.

IT IS SO ORDERED.

November 9, 2016
Columbia, South Carolina



Joseph F. Anderson, Jr.
United States District Judge